

Members

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Rep. Ralph Foley
Sen. Charles Meeks
Sen. Anita Bowser
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Chris Cunningham
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Jim Brewer
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PROBATION SERVICES STUDY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554

LSA Staff:

Mark Goodpaster, Fiscal Analyst for the
Committee
Tim Tyler, Attorney for the Committee

Authority: P.L. 131-1998

MEETING MINUTES¹

Meeting Date: October 24, 2000
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 128
Meeting City: Indianapolis, Indiana
Meeting Number: 5

Members Present: Rep. Scott Mellinger, Chair; Rep. Ralph Foley; Sen. Charles Meeks; Chris Cunningham; Marty Womacks; Madonna Roach; Joe Hooker; Judge Thomas Ryan; Sharon Duke; Iris Kiesling; David Matsey; Craig Hanks; Dave Powell; Jim Brewer; Robert Chamness; Chris Beeson.

Members Absent: Sen. Anita Bowser; Mary Beth Bonaventura; Lance Hamner; Glenn Boyster; Steve Cradick.

The meeting was called to order at 10:20 a.m.

As the first action, Representative Mellinger and the Committee reviewed and approved the minutes from the previous meeting. It was noted that Wayne Shafter is the chief probation officer of Madison County and not Wayne County as specified in the minutes. The Committee approved the minutes with this correction.

Prior to the meeting, LSA staff prepared a survey of how committee members felt about selected issues that were discussed during the interim. The Committee members reviewed the survey results.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Representative Mellinger told the Committee members that any legislation recommended by the Committee members would closely reflect how the members responded to the survey distributed to the members.

Concerning the salaries of probation officers, the Committee recommended the combination of legislative action and changes in the salary schedule as specified by the Indiana Judicial Conference. Concerning legislative action, the Committee recommended reviving SB 465 -- 2000 which has the following provisions:

- It allows a court having probation jurisdiction to apply to the judicial conference of Indiana for state financial assistance to be used for probation officer salaries and benefits.
- It applies only to courts administering probation that meet or exceed all of the minimum standards adopted by the judicial conference of Indiana.
- It limits the financial assistance for probation officer salaries to 50% of the minimum cost of salaries for not more than the number of probation officers required by the minimum standards adopted by the conference.
- It eliminates the requirement that the budget committee approve the salaries and benefits. It allows counties to appropriate funds for probation positions and services.
- It allows a county fiscal body to make temporary loans to a court for the payment of probation officer salaries and benefits in anticipation of and not in excess of any amount of financial aid that has been approved by the judicial conference of Indiana for the probation officer salaries and benefits.
- It specifies certain mandatory provisions with respect to the loans.

The Committee further decided that if the substance of this bill was signed into law, then the Committee recommended to the Judicial Conference that it increase the salaries of probation officers by \$7,500 and lengthen the longevity adjustments for probation officers beyond the current five years.

Representative Mellinger told the Committee that the state should assume a portion of the costs of the salaries of probation officers and should not be reimbursed by the counties through user fees.

The Committee approved of this concept by a voice vote.

Concerning the level of user fees, the Committee approved increasing the user fees according to the following schedule:

Adult Felons	Current Fees	Recommended
minimum initial	\$25	\$100
maximum initial	\$100	\$200
minimum monthly	\$5	\$15
maximum monthly	\$15	\$30
Adult Misdemeanants		
minimum initial	none	\$50
maximum initial	\$50	\$100
minimum monthly	none	\$10
maximum monthly	\$10	\$20
Juveniles		
minimum initial	\$25	\$25 (no change)
maximum initial	\$100	\$100 (no change)
minimum monthly	\$5	\$10
maximum monthly	\$15	\$25

Concerning changes in the statute that governs user fees, the Committee recommended that the following changes be made to the statute:

- Probation departments should be permitted to petition the court to impose or increase user fees when a change occurs in the financial ability of a probationer.
- Courts should be permitted to recover unpaid probation user fees at the end of a person's term of probation by reducing the unpaid amount to a judgment.
- Courts should be permitted to charge probationers transferred to Indiana for supervision at the level charged in the state from which the offender was transferred, if that rate is higher than Indiana's fees.
- Courts should be permitted to issue wage garnishments to collect user fees.
- An offender who already has a license suspended should be required to pay in full all unpaid probation user fees (as well as all other conditions specified in IC 9-25-6) to have a suspended license reinstated.
- Courts should be permitted to assess additional fees for persons placed on probation for more than one crime.
- Adult and juvenile probationers should be able to pay probation user fees in advance without approval of the court or the probation department once the offender is on probation.
- When the clerk of the circuit court collects probation user fees, the clerk's office should be authorized to retain not more than 6% of probation user fees for recovering a portion of the collections costs for the office.

The Committee members approved of this proposal by a voice vote.

The Committee also recommended to the Probation Committee of the Judicial Conference of Indiana that the court should be required to impose a probation user fee for any suspended sentence regardless of the level of service performed by the probation office.

This recommendation was also approved by the majority on a voice vote.

The meeting was adjourned at 12:45 p.m.

The Committee reviewed and approved of the final report by a voice vote.